

REMARKS

In response to the Office Action mailed June 17, 2003, claims 1 and 9 have been amended. Claims 1-4, 8, 9, 11-15 and 19-24 are now active in this application, of which claims 1 and 9 are independent.

Entry of the Amendments and Remarks is respectfully requested because Applicant believes that entry of Amendment places the present application in condition for allowance, or in the alternative, better form for appeal. No new matters are believed to be added by these Amendments. Based on the above Amendments and the following Remarks, Applicants respectfully request that the Examiner reconsider the outstanding objections and rejections and they be withdrawn.

Allowable Claims

Applicant appreciates the Examiner's indication that claims 8, 14 and 19 are allowable if rewritten in independent form to include all the features of the base claim and any intervening claims. First, in response to the reasons for indication of allowable subject matter, while Applicant believes that the claims are allowable, Applicant does not acquiesce that patentability resides in each feature exactly as expressed in the claims, nor that each feature is required for patentability of each claim. Second, for at least the reasons discussed below, Applicant submits that claims 1 and 9 from which claims 8, 14 and 19 depend, are allowable.

Rejections Under 35 U.S.C. §103

In the Office Action, claims 1-4, 9, 11-13, 15 and 20-24 have been rejected under 35 U.S.C. §103(a) for being unpatentable over U. S. Patent No. 4,955,697 issued to Tsukada, *et al.*

("Tsukada") in view of U. S. Patent No. 5,646,756 issued to Dohjo, *et al.* ("Dohjo"). This rejection is respectfully traversed.

Amended independent claim 1 recites "a protective layer formed over the gate lines and data lines; a plurality of pixel electrodes formed on the protective layer, each pixel electrode corresponding to one of the plurality of pixel". Amended independent claim 9 also recites this feature. An example of these claimed features are shown in FIG. 2 of the present application, in which a protective layer 70 is formed over the gate line 22 (see gate electrode 26) and the data line 62, and a pixel electrode 80 is formed on the protective layer.

In this regard, Tsukada shows the pixel electrode 9 is formed under the passivation layer 12 in FIGs. 6B, 11B, 12B and 13. Also, in Dohjo, a pixel electrode 19 is formed under the protecting film 23 in FIG. 5. None of the cited reference disclose or suggest "a protective layer formed over the gate lines and data lines; a plurality of pixel electrodes formed on the protective layer, each pixel electrode corresponding to one of the plurality of pixels", as recited claims 1 and 9. Thus, the claimed invention would not have been obviously obtainable by combining the cited references. Accordingly, at least for these reasons, Applicant respectfully submit that claims 1 and 9 and their dependent claims 2-4, 11-13, 15 and 20-24 are patentable over Tsukada and Dohjo.

Further, the Examiner admitted that Tsukada fails to disclose "an opening ratio of the pixels on a first row is different from that of the pixels on the other rows", as recited in claim 1, and "an opening ratio of each pixel on the first row is different from that of all the pixels on the other rows", as recited in claim 9. Regarding these missing features, the Examiner asserted that Dohjo cures the deficiency from Tsukada. This assertion is respectfully disagreed with.

Dohjo discloses “[forming] a protecting film in a manner to overlap the periphery of the display pixel electrode which are located within a radius of at least 3 cm around the liquid crystal inlet port” (column 5, lines 31-34) “to prevent a deterioration of image quality of the portion which is vulnerable to deterioration” (column 5, lines 14-15), as shown in FIG. 3 of Dohjo. In other words, in Dohjo, the opening ratio of the display pixel electrodes within a radius of at least 3 cm around the liquid crystal inlet port would be the same, and the opening ratio of the display pixel electrode outside the radius of at least 3 cm around the liquid crystal inlet port would be the same.

However, if Dohjo is modified such that only the pixels of the first row have a different aperture ratio than the pixels of the other rows, such a modification would make the pixel which are not on the first row but still within a radius of at least 3 cm around the liquid crystal inlet port vulnerable to deterioration of image quality of the portion. Further, the Examiner has not provided any logical explanation as to how Dohjo provides motivation to modify its teaching such that the opening ratio of the pixels on the first row is differentiated from all the pixels on the other rows.

Thus, Dohjo teaches away from the modification asserted by the Examiner since such modification would render the invention of Dohjo unsatisfactory to its intended purpose, which is preventing a deterioration of image quality of the portion which is vulnerable to deterioration. Thus, it is submitted that there is no motivation for modifying the teachings of Dohjo such that an opening ratio of those display pixel electrodes on the first row are different from other display pixel electrodes on the other rows.

For these reason, it is submitted that independent claims 1 and 9 are patentable over Tsukada and Dohjo. Claims 2-4, 11-31, 15 and 20-24 that are dependent from claims 1 and 9

would be also patentable at least for the same reason. Accordingly, Applicant respectfully requests that the rejection over claims 1-4, 9, 11-13, 15 and 20-24 be withdrawn.

Other Matters

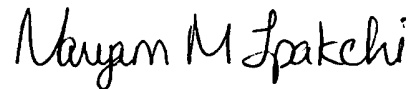
Claims 1 and 9 have been further amended solely for better wording and not to distinguish the claims over the applied references.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, claims 1-4, 8, 9, 11-15 and 19-24 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Maryam M. Ipakchi
Reg. No. 51,835

Hae-Chan Park
Reg. No. 50,114

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McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5365
Fax: 703-712-5280
HCP:WSC/kbs